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SUBJECT: AFGHAN OPPOSITION SOFTENS STANCE ON ELECTION DATE

REF: KABUL 139 AND PREVIOUS

Classified By: DCM Christopher Dell for reasons 1.4 (B) and (D)

11. (C) SUMMARY. Several Afghan powerbrokers have hinted in recent days that they have waived their opposition to a fall election date. Parliamentary and jihadi leaders reportedly have told President Karzai and UNAMA officials they are open to an election date later than the spring timeframe set forth in the Constitution. This is a positive development that would open the way for the Independent Election Commission (IEC) to announce a date for the election that all major political players will accept. Some opposition figures, however, still insist the government address the potential constitutional crisis created by the gap between the expiration of the president's term in May and a fall election. We believe there will eventually be a low-profile agreement across political lines allowing Karzai to remain in office until the election, as other options such as a Loya Jirga would further complicate the situation.

UNAMA Meets with Political Leaders

12. (SBU) On January 25, UNAMA Deputy SRS Chris Alexander confirmed that in the past week, UNAMA consulted with key political figures in and out of the legislature, including Prof. Burhanuddin Rabbani, Haji Mohammad Mohaqqueq, and Hezb-e-Islami Afghanistan Chairman Arghandawal. Most agreed that a spring date for elections seemed neither possible nor advisable. Those still holding on to reservations are likely to stand aside once word of the emerging consensus circulates. Several of these political leaders increasingly agree that the IEC has the sole authority to determine the election date. IEC commissioners decided January 26 to hold the election on August 20, a decision they hope to announce by Thursday.

13. (SBU) UNAMA expects Karzai to hold a meeting on the election date in the next week to solidify this consensus. Supreme Court Chief Justice Azimi will return to Afghanistan this week as well, allowing him to offer his blessing.

Qanooni Signals He's Mostly On Board

14. (C) Lower House Speaker Yunus Qanooni also said he is prepared to accept a fall election. Qanooni told PolOff he understood the government could not administer a valid spring election, and that the international community was strongly behind a fall date. He is willing to bring Parliament into line with the emerging consensus for the fall if Karzai and IEC Commissioners provide a plausible explanation for the new date directly to the Lower House. Qanooni believes a few strict constitutionalists among the MPs will still protest the IEC's decision, but the bulk of Parliament will accept the political reality.

15. (SBU) UNAMA reports that its contacts accept that a constitutional case for a fall election can be made. According to IEC Deputy Chief Technical Officer Zekria Barakzai, the IEC is now weighing whether to build its case on these constitutional grounds, or whether to emphasize the practical realities of operational planning, weather, and security that led it to select a fall date.

16. (C) However, Qanooni stressed the new consensus for a fall election does not imply agreement on the putative transitional period between the May 22 expiration of Karzai's term and the inauguration of a new president. UNAMA reports that its consultations show a variety of views on this question. Qanooni's preference is for a compromise pick to head a transitional government after May 22. All declared candidates for the presidency would be required to resign their government positions, just as Qanooni resigned from the Education Ministry before his 2004 campaign. Similar to the election date dispute, though, Qanooni is bluffing with a weak hand and may step back from this position after the confusion further tars Karzai's image.

Motivations Behind the New Consensus

17. (C) Opposition figures' acceptance of a fall election is both a realization of the practical and logistical reasons that make a spring election difficult, and a growing sense of Karzai's vulnerability (reftel). If the United Front and other Karzai opponents were truly committed to a spring election, they would already be launching their campaigns. But the United Front remains divided and unsure of its own

KABUL 00000181 002 OF 002

candidate and is still exploring unity ticket options with other political factions opposed to a second Karzai term. Other rumored candidates are equally hesitant to throw their hats into the ring. A fall election buys the opposition more time to develop a credible alternative to the incumbent and continue to hammer away at Karzai's failings.

The Way Forward

18. (C) Karzai has suggested he wants to meet one more time in the near future with national political leaders to ensure a firm consensus on the election date. Despite the IEC's intention to set an August 20 election, there is still a chance the date could slide to September, which is what we are supporting. The IEC may defer its election date announcement depending on the timing of Karzai's planned meeting. Although the election date dispute may soon be solved, there may be further work required to get Parliament, the Supreme Court, and other political leaders to reach an agreement on the constitutional issue of the president's term that is agreeable to the international community.

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